

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

H. MICHAEL CHITWOOD,

Plaintiff,

v.

JOHN LOZITO d/b/a JOHN LOZITO
INTERIORS and VERO DESIGN, INC.,

Defendants.

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Case No. 1:09-cv-262
Judge Mattice

ORDER

Before the Court is Plaintiff's Motion for Voluntary Dismissal With Prejudice of Action Against Defendant Vero Design, Inc. [Court Doc. 16]. Plaintiff seeks to dismiss Defendant Vero Design, Inc. pursuant to Federal Rule of Civil Procedure 41(a)(2) because Plaintiff and this Defendant have entered into a settlement agreement, Defendant has consented to dismissal as part of the agreement, and Plaintiff no longer wishes to pursue claims against this Defendant in the instant case.

The Court notes that Defendant Vero Design, Inc. never filed an answer to Plaintiff's Complaint and, as such, Plaintiff could have filed a Notice of Dismissal or the parties could have stipulated to dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A). Nonetheless, the Court **GRANTS** Plaintiff's Motion for Voluntary Dismissal with Prejudice of Action Against Defendant Vero Design, Inc. [Court Doc. 16]. Defendant Vero Design, Inc. is **DISMISSED** from this action and all claims by Plaintiff against this Defendant are hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 30th day of July, 2010.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE